

Hon. Timothy Dore  
Chapter 7  
Hearing: July 28, 2017, 9:30 a.m.  
Seattle  
Response due: July 21, 2017

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE:

MTN, INC.,

Debtor.

NO. 17-11640

TRUSTEE'S MOTION FOR APPROVAL  
OF SALE OF ASSETS AT RENTON  
LOCATION

The Chapter 7 Trustee Virginia Burdette, through her counsel, moves the Court for an order authorizing the sale of all of the Debtor's restaurant furniture, equipment, fixtures, goods, inventory, lease improvements, and related tangible property of the bankruptcy estate located at the Debtor's former business premises at 15279 Maple Valley Highway, Renton, Washington (collectively, the "Assets"), to Cedar River Station, LLC, the owner of the Renton location property and the Debtor's lessor at that location. The purchase price shall be \$25,000 cash plus waiver by the landlord of any claim in the bankruptcy estate including any cost of administration claim for unpaid postpetition rent.

The Trustee has pending for hearing on June 21 a motion for authority to sell at auction the Debtor's equipment and furnishings at four former business locations including Renton. That motion states that notwithstanding the request for an auction, the Trustee remained in discussions regarding a possible offer to purchase all assets at Renton. Since that motion was filed, the Trustee has come to an agreement for sale of that equipment.

TRUSTEE'S MOTION - Page 1 of 3

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1 While the Trustee is only able to predict a range of possible outcomes as to the amount of  
2 proceeds that could be realized upon sale of the Assets at auction, the Trustee believes that the  
3 proposed price of \$25,000 could equal or exceed the net amount available to creditors after costs of  
4 sale and after consideration of the landlord's creditor's claim. A sale for a fixed price provides certainty  
5 for the Estate.

6 Since her appointment, the Trustee has received a number of inquiries and has made the  
7 location available for viewing by potentially interested restaurant operators / purchasers of equipment.  
8 Despite effort, no other person has made an offer to purchase the Assets and take an assignment of the  
9 Renton lease.

10 The status of secured claims against any of the Assets is unclear. The Debtor's Chapter 11  
11 bankruptcy schedules did not accurately identify either secured creditors or the collateral subject to  
12 security interests. The Debtor has stated that it is unable to do so following conversion of this case  
13 because its information was stored online but access to that information has been denied for  
14 nonpayment of invoices. The Trustee is attempting to get this information but does not have it as of the  
15 date of this Motion.

16 The proposed sale at auction is in any event to be free and clear of liens and encumbrances,  
17 pursuant to 11 USC § 363(f), with any such liens and encumbrances to attach to the proceeds of sale.

18 The Trustee has pending for hearing on July 21 a motion to reject the lease for the Renton  
19 business premises. The Trustee intends to go forward with that request.

20 For the foregoing reasons, the Trustee requests that the Court grant this Motion and approve the  
21 proposed sale.

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25 TRUSTEE'S MOTION - Page 2 of 3

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1 DATED July 7, 2017.

2 WENOKUR RIORDAN PLLC

3 */s/ Alan J. Wenokur*

4 Alan J. Wenokur, WSBA # 13679  
5 Attorney for Trustee  
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25 TRUSTEE'S MOTION - Page 3 of 3

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